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ABSTRACT

This monograph provides information on the Education for All Handicapped Children Act as well as on vocational education for the handicapped. Following a brief introduction, Section II discusses the purpose of the Act. Section III offers definitions for classification of the handicapped. Legislation relating to vocational education and the handicapped is briefly discussed in section IV. Section V presents selected provisions of Public Law 94-142 and how they relate to vocational education and the handicapped. These provisions of the Act are explained: state plan, full services goal, due process safeguards, identification and evaluation of the handicapped, least restrictive environment, individualized educational programs, funding, curriculum development, accountability, and development of personnel. An overview of related acts and provisions such as the Rehabilitation Act (1973) and Vocational Education Act Amendments (1976) is also provided. Section VI specifies methods and techniques to improve vocational education and training for the handicapped, including counseling and individualized instruction, communication with parents, testing and evaluation, placement, local educational agencies, vocational administrators' responsibilities, workshops, resource guides, and Community, Organizations, Parents, and Educators (COPE). Appendixes summarize pertinent Federal legislation and procedures for their implementation. (YLB)

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Legislation Relating to the Handicapped and
Vocational Education P.L. 94-142

Center for Vocational and Adult Education
School of Education
Auburn University
Auburn, Alabama

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Legislation Relating to the Handicapped and
Vocational Education P.L. 94-142

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Legislation Relating to the Handicapped and
Vocational Education P.L. 94-142

Introduction

On November 29, 1975, the Education for All Handicapped Children Act (Public Law 94-142) was signed into law. This law builds upon and extends the Education of the Handicapped Act. P.L. 94-142 became fully effective on October 1, 1977, fiscal year 1978 (Senate & House, 1976).

Historically, this Act of 1975 was the latest stage of a long series of actions by federal and state legislatures, state and federal courts, and groups concerned with the rights of the handicapped. Although the title of the act is often interpreted to mean only those in special education will be affected, this act may quite possibly have more impact for vocational, practical arts, and general education personnel and programs than any other legislation of recent years. This act applies to all education systems in the country and it is imperative that all educators become familiar with its goals, provisions, and regulations.

Everyone involved in teaching needs the time and effort to prepare and implement the provision of the handicapped act. Each educator should follow the developments throughout the years and continue to provide input into the implementation process in the schools (Allbright & Tomlinson, 1977).

The Purpose of the Education for All Handicapped Children Act

The purpose of the federal law P.L. 94-142, was to require public schools to provide free, appropriate education to all handicapped children. The law was passed to guarantee the 14th Amendment Rights to all children. The Amendment stated that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. This statement from the 14th Amendment to the United States Constitution has been put to the test by concerned parents and citizens. The right abridged has been the privilege of attending public school by certain handicapped children and the progress of American education in correcting these injustices has been slow. Generally, the courts have been responsive in guaranteeing 14th Amendment rights to all children regardless of background or handicap (Schauer, 1976).

These injustices were eventually culminated into the law, which states that a free appropriate public education shall be made available to all handicapped children between the ages of three (3) and eighteen (18) by September, 1978, and all those between the ages of eighteen (18) and twenty-one (21) by September, 1980 (10:8). It does not apply to those between three (3) and five (5) and between eighteen (18) and twenty-one (21) in states where the requirement is in conflict with state law and practice or court order.

On December 30, 1976, when the rules and regulations were proposed to clarify the act, they in turn raised a number of questions. When Congress declared that "all handicapped children (shall) have available 'a free appropriate education' and that 'the rights of handicapped parents and guardians (shall) be protected,'" the term "available" was intended to protect the individual rights of parents and children to decide whether or not to (emphasis added) participate. If there are parents that do not desire to receive special services for their handicapped child, their only option is to enroll the child in a private school that does not offer special services, since public schools are required by law to provide such services to all children who are identified as handicapped.

Each child must be afforded the opportunity to participate in all programs available to the non-handicapped (Your Rights, 1976). If these students are not receiving the opportunity, parents are granted an impartial hearing, the right to appeal the findings of that hearing, and the right to bring civil action if they are still dissatisfied.

As the implications of the law are analyzed, those concerned begin to see there must be: (1) a free appropriate public education available to all handicapped between the ages of three (3) and twenty-one (21); (2) a detailed individualized educational plan written and followed for each of the eight million

handicapped children; (3) handicapped children must be educated together with the non-handicapped to the "maximum extent appropriate;" and (4) handicapped children shall have the same range and variety of public school programs available to the non-handicapped. This includes non-academic or vocational programs and extracurricular activities (Hodenfield, 1977).

The Handicapped Individual as Defined by the Congress

Many educators are faced with the dilemma of asking who are the handicapped individuals according to the law. The Congress defined the handicapped persons as the mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or those who have other health impairments or children with specific learning disabilities who by reason thereof are not likely to succeed in programs designed for persons without such handicaps (Exploratory/Prevocational Learning Experiences, 1976).

The following definitions assist in clarifying the handicaps.

Definitions of the Handicapped

Speech impaired. Any defect in one's speaking abilities. This deviation is sometimes associated with other handicapping conditions, such as deafness, mental retardation, or cerebral palsy.

Specific learning disabilities. Defined as those with such conditions as minimal brain dysfunction, dyslexia, and developmental aphasia.

Mental retardation. Refers to significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and which is manifested during the developmental period.

Trainable Mentally Retarded (TMR). One who is not educable in the sense of academic achievement, ultimate social adjustment in the community, or independent occupational adjustment at the adult level.

Educable Mentally Retarded (EMR). An individual with an I.Q. in the 50-70 range, as measured by a standardized intelligence test, who is unable to profit significantly from the regular school program. The EMR child requires either placement in a special class or a modification in the regular school program in order to meet educational needs.

Hard of hearing. The sense of hearing although defective is functional with or without a hearing aid.

Hearing impaired. Same as auditorily impaired.

Auditorily impaired. Having difficulty in hearing with one or both ears; refers to individuals who are hard of hearing or deaf.

Deaf. The sense of hearing is non-functional for the ordinary purposes of life.

Visually impaired. Those who are blind or partially sighted and require special instructional methodology for those with limited vision.

Partially seeing. Having a visual acuity greater than 20/200, but not greater than 20/70 in the better eye with best correction.

Blind. A visual acuity of 20/200 or less in the better eye with best correction or a restricted visual field of 20° or less. The system of expressing activity (sharpness) is based on 20/20 as being normal vision, that is, the person can see at 20 feet what the normal eye can see at 20 feet. A person with 20/200 vision can distinguish at 20 feet what can be seen by the normal eye at 200 feet. The expression 5/200 means that the person can distinguish at 5 feet what a normal eye can distinguish at 200 feet (Exploratory/Prevocational Learning Experiences, 1976).

Crippled or other health impairment. The crippled, deformed or otherwise physically handicapped (exclusive of visually and auditorily handicapped) and those who have other health problems which interfere with normal functioning in a regular classroom have varying disabilities. This student has limits of effectiveness with which to cope with the academic, vocational,

social, and emotional expectations of the school, community, parents, and teachers.

Neurologically impaired. The neurologically impaired are those whose handicapping condition is due to lack of complete development or injury to the central nervous system. The brain is the control center of the body. When something goes wrong with the brain, something happens to the physical, emotional, or mental functions of the organism. The number of things that can happen to the organism are probably as numerous as the nerves and cells of the brain (Kirk, 1972). These may include epilepsy, cerebral palsy, spina bifida, dyslexia and aphasia.

Orthopedically handicapped. The orthopedically handicapped child is one who has a crippling impairment which interferes with the normal functions of the bones, joints, or muscles to such an extent that special arrangements must be made by the school. These categories may include those who are born with handicaps and children who acquire a crippling condition later in life (Kirk, 1972).

As educators in the academic curriculum are concerned with the law and the handicapped, there are also concerns in the vocational development of the handicapped. These concerns were specifically addressed in the Federal Legislation regarding the handicapped student and vocational education.

The Legislation Relating to Vocational Education and the Handicapped

Concerns for the handicapped are reflected in vocational education legislation. The Vocational Education Amendments of 1963 clearly encouraged development of services and programs for the handicapped. Congress, after determining that the handicapped were not being adequately served by vocational education, required a mandatory set-aside of funds for this group in the 1968 Vocational Educational Amendments. Congress has responded by continuing the mandatory set-aside of 10 percent for the handicapped, and each federal dollar must be matched by state/local funds in this category.

When Congress passed the latest handicapped act (P.L. 94-142) as a comprehensive act applying to the total public education system and included the provisions of the court rulings as mandatory civil rights, this act also included provisions that the funds provided for the handicapped in the Vocational Education Amendments and the ESEA, as amended, must be expended in compliance with the handicapped act, "To assure that every handicapped child who leaves school has had career educational training that is relevant to the job market" (Allbright & Tomlinson, 1977).

Under the Educational Amendments of 1976, Vocational Education is one of five parts (Vocational Education Title II). The implications of the Handicapped Act are reflected in the Vocational Act 94-482.

There are far too many specific and general provisions which have a significant impact across the total educational system, including vocational education and industrial acts, to enumerate in this research report. Selected provisions are presented under the headings specified in the following section.

The Public Law 94-142 and How It Relates to
Vocational Education and the Handicapped
State Plan

To be eligible for money under the Education Handicapped Act-B (EHA-B), a state is required to develop policies and procedures in a "State Plan" to insure that the requirements of the law are carried out in every school district in the state (whether or not that school district actually receives EHA-B money). State plans are to be made available to the public for comment and then submitted for approval to the Federal Bureau of Education for the Handicapped (BEH) in the U.S. Office of Education. In addition to the requirements with which the state plan under EHA-B must demonstrate compliance, the following section explains other provisions of the act:

1. Full Services Goal. "Full appropriate public education" had to be available for all handicapped children ages 3-18 by September 1, 1978, and for all handicapped children 3-21 by September 1, 1980, unless, with regard to 3-5 year olds and 18-21 year olds "inconsistent with state law." States were required to place a priority in the use of their funds under this act on two groups of children, (1) the handicapped not receiving an education, and (2) handicapped with more severe handicaps.

2. Due Process Safeguards. The rights of the student must be represented by the parent or guardian or an appointed surrogate parent (who may not be an employee of the state or local educational agency) at each action. Written notice must be made to the parent prior to any classification, change of classification, or plan of action. The individual educational plan must be approved by the parent and if there are any objections, appeal and hearing procedures which are specified in detail are available. Access to and copies of all records, availability of outside experts, an impartial hearing officer (non-school employee) and the rights to a written copy of all findings of fact and decision are specified. Provisions were also made for civil court actions leading to the federal courts as a last resort. The parent is given an active role in helping to determine an acceptable "free appropriate public education."

3. Identification and Evaluation of the Handicapped. Each state shall initiate procedures so that all handicapped children are "located, identified and evaluated" and shall determine which are receiving services and which are not being served (in school and not in school, public and private institutions). For example, in the state of Florida, the handicapped are identified by procedures established by the Exceptional Student Program, the Division of Vocational Rehabilitation, the Bureau of Blind Services, Mental Health and Mental Retardation, and others legally qualified to identify the handicapped such as: medical doctors and psychologists or psychiatrists (Exploratory, 1976).

Each handicapped individual must be given an individual assessment of his/her needs. Testing, evaluation procedures, and materials utilized must not be "racially or culturally discriminatory." Thus, no single procedure shall be the sole criterion for determining an appropriate program for a child. The individual needs assessment must have multiple sources of input, including the teachers who work with the students and the supportive services in vocational education and counseling.

4. A Least Restrictive Environment. A least restrictive environment; as applied to the handicapped children, means that the individual will be served in regular classes wherever possible and if special services are needed to participate, they will be provided. His/her participation with non-handicapped students may

be restricted only to the extent absolutely necessary to meet the needs of the individual, not the needs or desires of the educational agency. If the individual is placed or desires to enroll in a vocational program, provisions must be made to accommodate his/her needs.

5. Individualized Educational Programs. Requirements for individualized education means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency, the teacher, the parents or guardian and the child where appropriate. The statement must include: (1) a statement of the present levels of educational performance of the child, (2) a statement of annual goals, including short-term instructional objectives, (3) a statement of the specific educational services to be provided, and the extent to which the child will be able to participate, (4) the projected date for initiation and anticipated duration of such services, and (5) appropriate objective criteria and evaluation procedures and schedules for determining on at least an annual basis, whether instructional objectives are being achieved (Allbright & Tomlinson, 1977). These procedures must be established by the state and local educational agencies.

These procedures involve a considerable amount of time and effort on the vocational educators also. Today, some vocational programs are individualized and possibly this may be less

difficult to implement in the vocational class with the involvement of aides to assist the instructor and the student.

6. How Funds are Distributed. States are entitled to federal funds distributed on the basis of the number of all children in the state ages 3-21. The State Education Agency (SEA) distributes these funds to local education agencies (LEA) on a demonstration and grant basis. Federal funding provisions included in the Act establish new precedents and procedures. Funding for fiscal 1977 was based on prior legislation and distributed to the states on a population formula basis. Increased funding was provided for planning, transition, personnel development, remodeling to remove architectural barriers, and other purposes.

Effective fiscal year 1978 (October 1977) complete new funding procedures were instituted. No specific dollar amounts were specified in the Act as authorizations; rather a formula was used to provide a maximum dollar authorization based on the national average cost of education per student.

Also, in fiscal 1978, money was distributed to each state based on the number of eligible handicapped children who actually were provided "special education and services" according to the Act. During fiscal year 1978, at least 50 percent of the funds provided to a state were distributed to the local or intermediate districts who were actually providing the services to

individuals. After fiscal year 1978, at least 75 percent of such funds distributed in this manner.

The principle of "excess costs" was used throughout the funding provisions. The Act specified that the state and local levels must expend for each handicapped child an amount equal to the average per pupil expenditure for all students; the excess costs for the handicapped are those above this amount.

In fiscal year 1978, a complying state was eligible to receive an amount per student served which was equal to five (5) percent of the national average expenditure per student (all students); the five (5) percent was to increase in steps each year to a permanent 40 percent of the national average expenditure as follows:

1. Five (5) per centum, for the fiscal year ending September 30, 1978 of the average pupil expenditure in public elementary and secondary schools in the United States.
2. Ten (10) per centum, for the fiscal year ending September 30, 1979.
3. Twenty (20) per centum, for year ending September 30, 1980.
4. Thirty (30) per centum, for year ending September 30, 1981.
5. Forty (40) per centum, for year ending September 30, 1982, and for each year thereafter, of the average per pupil

expenditure in public elementary and secondary schools in the United States: except that no state shall receive an amount which is less than the amount which such state received under this subchapter for the fiscal year ending September 30, 1977 (United States Code, 1976). For example, if the national average expenditure per student was \$1,200 in 1982, then the state and local would be eligible for \$480 per handicapped student served. In an attempt to avoid misclassification to obtain additional funds, the Act specifies that a maximum of 12 percent of all students in a state may be funded as handicapped; no more than a total of one-sixth of these may be classified as specific learning disabilities students (Allbright & Tomlinson, 1977).

In Public Law 94-482, the vocational programs are to receive no less than ten (10) percent for the handicapped. In this percentage, all activities of the handicapped program would be included. More funds may be allocated if considered a top priority with the state. However, the funds must be used in accordance with the state plan. Section 110 (Public Law 94-482, October 12, 1976)) under the national priority programs, states, "For each fiscal year, at least 10 per centum of each state's allotment under section 103 shall be used to pay 50 per centum of the cost of vocational education for the handicapped persons." Each state shall use, to the maximum extent possible, the funds required to be used for the purposes specified in subsections and

to assist individuals described in these subsections to participate in regular vocational education programs (Senate & House, 1976).

7. Curriculum Development. In subpart two (2) there was no specific amount of the ten (10) percent allocated to the handicapped, awarded to the development of curriculum but was included in subpart three (3). Funds are available to the states under section 130 (a) and may be used for contracts for the support of curriculum development projects, including:

1. The development and dissemination of vocational education materials for new and changing occupational fields and for individuals with special needs, as described in section 110.

2. The development of curriculum and guidance and testing materials designed to overcome sex bias in vocational education programs, and support services designed to enable the teacher to meet the needs of individuals enrolled in vocational education programs traditionally limited to members of the opposite sex (Congress, 1976).

3. No contract shall be made pursuant to subsection (a) unless the applicant can demonstrate a reasonable probability that the contract will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date of such contract.

In Florida, for example, the Division of Research and Dissemination is in constant contact with the consultant for the Handicapped with the State Department of Education. Recommended priorities for the division are provided and a Needs Assessment for Curriculum for the Handicapped has been conducted. Also, a workshop in Sarasota County to develop curriculum for the handicapped in vocational education has been conducted. This project was in progress for approximately one (1) year and field tested before being printed. Thus, the research and dissemination section of the state of Florida follows through with priorities as recommended by the state.

8. Accountability. All educators including vocational educators are required to keep detailed records, range of planning, evaluation and some type of reporting on each individual. Accountability requirements range from a required state advisory committee and public hearings on the state plan to the required regular review and evaluation of the written individual educational plan for each individual.

9. Development of Personnel. All education personnel, including individual teachers, need to have additional competencies. Provisions are made and funds are authorized in the Act for sponsoring teacher education activities at the federal, state, and local levels.

10. Related Acts and Provisions. Under the proposed rules and regulations for Section 502 of the Vocational Rehabilitation Act of 1973 recipients of federal funds (which includes public schools) must have their facilities fully accessible to and usable by handicapped persons. Contained within P.L. 94-142 are provisions for grant monies to local education agencies for removal of architectural barriers (Section 607a). Also, applicants for constructional funds through the 1976 Vocational Education Act Amendments (P.L. 94-482) must also comply with the architecturally barrier free requirements.

Two additional sections of the Vocational Rehabilitation Act of 1973 are important to the public schools and to career and vocational educators. Section 503 states, "Any company (including the public schools) contracting for more than \$2500 a year in business with the federal government must have an affirmative action plan to hire and advance the handicapped. Government contractors must undertake positive recruitment activities, including changing the attitudes toward handicapped employees by managers, supervisors, and other employees."

Section 504 mandates that any recipient of federal financial assistance may not discriminate on the basis of an individual's handicap when he/she is otherwise qualified, and the employer must make "reasonable efforts" to employ such persons (Allbright & Tomlinson, 1977).

Methods and Techniques to Improve Vocational Education Training for the Handicapped

As educators constantly evaluate the learning education agencies in regards to the P.L. 94-142 for the Education of the Handicapped, the question must be asked, "Have the schools provided the methods and techniques to improve vocational education training for the handicapped?" The Who and the What has been stipulated by law and the How must be reviewed to provide quality instruction through quality programs and properly certified personnel in the different program disciplines as well as appropriate guidance and counseling. Vocational education and training for the handicapped may be improved by utilizing different methods and techniques as specified in the following section.

Counseling and Individualized Instruction

Numerous clauses can be found in the legislation that directly affect vocational teachers and other personnel providing instruction and supportive services. When handicapped learners are placed in their classrooms, vocational teachers, counselors, and coordinators are involved in the development of the required individualized instruction programs. Their role is to identify the proper vocational training objectives and the instructional design or strategies to be used in obtaining those objectives.

Communication with Parents

As members of the instructional team, vocational educators are also asked to interact with parents of handicapped learners to ensure that they are aware of their child's placement as well as the program and special services being offered. Continuous cooperation between the parents and the educators is essential to plan a program to meet the needs of the handicapped learner.

Testing and Evaluation

Testing and evaluation materials used for evaluation or placement purposes can be neither racially nor culturally discriminatory and must be geared to the person's handicap. Tests for visually handicapped learners, for example, might have to be given orally, prepared in large type, or in some cases, braille. In addition, more than one testing and evaluation procedure should be required as a basis for educational placement. This strongly suggests that if a student has a reading disability, performance tests or work samples instead of pencil and paper tests will have to be used to determine which vocational program is most appropriate.

Placement

Placement of the handicapped persons in the least restrictive learning environment requires that a continuum or variety of instructional program options are made available. Vocational educators with special expertise in teaching the handicapped may

also be asked to train small groups of severely handicapped learners in separate, special programs. Other vocational instructors may serve learners in regular programs and need to work closely with special education resource teachers and counselors to coordinate supportive instruction. In other instances, interpreters for deaf students and resource teachers or aides may be needed in the vocational classroom or laboratory to help individualize the instruction.

For some mildly handicapped learners, modified instructional materials may be the only special services needed. The extent of supportive services required and the degree to which the educational environment is restricted depends on the nature and severity of the handicapped person's physical, behavior, or learning problems (Halloran & Phelps, 1976).

Local Educational Agencies

In 1978, local educational agencies were entitled to support in relation to the number of handicapped learners served - if they provided the assurances mentioned earlier. During the first year, 50 percent of the federal funds were retained by the state agency, but in 1979, local agencies received 75 percent of the total amount allocated to a given state.

Federal monies passed through to local school districts were used to supplement existing services to the handicapped. In other

words, these funds were intended to cover excess costs rather than supplant state and local funds.

Hopefully, every local district has made it a priority to use the funds to expand vocational education services to the handicapped. Initiation of planning activities, program development and strategies are continuously evaluated so that vocational education services will be a top funding priority when the federal dollars are appropriated in future legislation.

Vocational Administrators Responsibilities

Vocational administrators have been required to design and operate a comprehensive series of programming alternatives ranging from self-contained separate programs to regular vocational programs offering instruction and supportive services on an individual, prescriptive basis. Special scheduling modifications such as extended instructional periods and open entry/open exit programs have also been considered essential.

Collaboration with other administrators to establish vehicles for regular communication (such as common planning periods) between vocational education personnel and special supportive staffs has been extremely critical. Maintenance of close working relationships with parents and advocacy groups vital in formulating and continually improving vocational program alternatives and services has been an important factor in providing the necessary education.

Perhaps the most significant challenge has been the development of effective inservice programs to enable vocational educators to expand their skills in teaching the handicapped at the same time encouraging communication and commitment among all staff members working with the handicapped.

Workshops

Workshops have been held in various states to assist in pre-service and inservice to educators, and probably others scheduled for future dates, such as the following which were held in Florida:

1. One workshop was held at the Florida Technological University (1975-1977) in Orlando to develop curriculum materials for the handicapped.
2. Two (2) workshops conducted at Florida International University in Miami pursuant to a grant from the Division of Vocational, Technical and Adult Education, Florida State Department of Education were:
 - a. Contemporary Programs in Vocational/Special Education was conducted to inform the teachers, administrators, and others about the concerns of the handicapped in vocational education. This workshop gave various approaches used in vocational education to the handicapped, and an analysis of those programs and discussions concerning the implementation or the adaptation for implementation in the State of Florida (1975).

b. Also, a workshop was held to write Competency-Based Individualized Learning Packages developed by Vocational and Special Education Teachers of Handicapped Students (1974).

3. Several other workshops have been conducted at Florida State University in Tallahassee and the faculty facilitated these workshops for pre-service and inservice teachers.

Resource Guides. A resource guide for "Accommodating Students Who Have Physical Disabilities" was prepared by the Technical Education Research Center (1975) in Cambridge, Massachusetts to assist educators with the handicapped.

In Virginia, the Council for Exceptional Children (CEC) (1974) published a Digest of State and Federal Laws Relating to the Education of the Handicapped Children. It was developed to:

1. facilitate better understanding of legal language and structure governing the education of the handicapped children in each state and the federal government.
2. to serve as a basic reference for those seeking alternative legal patterns and for those conducting related research, and
3. to provide a means for states to evaluate and compare their status with those of other states.

Also, the Department of Education (1975) Tallahassee, Florida, published Guidelines on District Procedures for Providing Special Education for Exceptional Students to assist educators and

other personnel to provide those special arrangements which enabled greater progress toward growth and development of the exceptional students.

Community, Organizations, Parents and Educators (COPE)

Other techniques and methods may be utilized to assist the teacher in educating the handicapped such as the Community Organizations, Parents and Educators (COPE) as follows:

1. Involve the Community
2. Involve Organizations
3. Involve the Parents
4. Involve Other Educators

All vocational educators should keep abreast of the many options they may have available to enhance their knowledge in assisting the handicapped in the educational process. By getting all concerned involved, the programs should receive feedback from the continuous surveys sent to the students and employers each year. This enables proper revisions in the total vocational education program.

Summary

All vocational education programs are not appropriate for all handicapped individuals at the present time to function as the law stipulates. Significant program modifications appear to be assured and must be evaluated periodically and revised for improvement. Individualized and multiple learning strategies for

a wide range of abilities and other needs may require curriculum modification, more flexible schedules and course progress, differential or team teaching approaches, and more detailed attention to an individual's needs and progress. Vocational educators as professionals, should have more than the usual interest and provide the support necessary to move closer to the democratic philosophy of serving all children in helping them reach their potential.

Vocational educators must realize that P.L. 94-142 is here and all program areas must remain concerned. Vocational educators must continuously move from promise to reality.

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Appendix A

Education for All Handicapped Children Act of 1975

The Education for All Handicapped Children Act of 1975

The central theme of this legislation is providing a free and appropriate public education for all handicapped learners between the ages of 3-21. Several key provisions and procedural safeguards are mandated.

1. Assurance that "an individualized, written educational plan (IEP) will be developed and maintained for each student," [Section 614(a)(5)]. The IEP must be developed jointly by parents and school personnel and include a statement of: the learner's present levels of performance, annual goals, short-term instructional objectives, specific services to be provided, the type of educational placement and criteria and procedures for annual evaluation of attainment of the instructional objectives. The learner's level of performance in such areas as academic skills and prevocational and vocational skills is to be included.

2. Assurance that the learner will be served in the "least restrictive educational environment," [Section 612(5)(B)]. This requirement means that, to the maximum extent appropriate, handicapped learners will be educated with non-handicapped learners. Restrictive environments, such as special classes or special schools, should only be utilized when the nature or severity of the handicap is such that supplementary services and aids provided in the regular class are not effective.

3. "Testing materials and procedures used for evaluation and placement purposes must be selected and used so as not to be discriminatory on the basis of a second language or communication disorder," [Section 612(5)(C)]. No one test or type of test is to be used as the only criterion for placement.

4. Full due process procedures are afforded to handicapped learners and their parents in the development and implementation of the educational program, (Section 615).

5. The annual program plan developed by the local school district must include plans and procedures for inservice training of special and general education teachers and support personnel. This comprehensive personnel development system will also include procedures for disseminating significant, new information derived from research and development efforts, [Section 613(1)(3)].

6. A full range of educational opportunities shall be provided. "Handicapped" learners must have available to them the variety of programs and services available to non-handicapped

learners, including industrial arts, home economics, and vocational education," [Section 212a, 202 of the Proposed Regulations dated December 30, 1976].

Appendix B

Rehabilitation Act of 1973

Section 503 and 504

Rehabilitation Act of 1973 - Sections 503 and 504

These two sections of the Rehabilitation Act of 1973 as amended (P.L. 93-516) are focused on non-discrimination on the basis of handicap. Section 503 requires that employers with Federal contracts exceeding \$2,500 must demonstrate affirmative action in hiring, promotion, and retention of handicapped individuals. Section 504 is broader in scope and prohibits discrimination on the basis of handicap in any program or activity receiving Federal financial assistance from the Department of Health, Education, and Welfare.

Section 503 protects a qualified handicapped individual against discriminatory practices by employers in job assignments, promotions, training, transfer, accessibility, working conditions, and termination. There are no quotas or timelines to be met by employers, but they must demonstrate positive efforts to "accommodate" the handicapped worker in virtually all aspects of employment.

Section 504 prohibits discrimination on the basis of handicap in all Department of Health Education and Welfare (DHEW) supported programs and activities, including employment practices, accessibility (architectural and programmatic), education (preschool, elementary, secondary, post-secondary, and adult education), and health, welfare, and other social service programs. Many of the provisions of the proposed regulations in the education subpart are identical to the assurances provided in P.L. 94-142 (e.g., free and appropriate education, procedural safeguards, etc.). In 504 they are extended to post-secondary and adult education programs which serve handicapped individuals over 21 years of age. Several references are listed at the end of the article which provide detailed explanations of each of these legislative initiatives.

Appendix C

Suggested Procedures for Implementation of P.L. 94-142

Suggested Procedures for Implementation of P.L. 94-142*

Procedures suggested for the implementation of P.L. 94-142 are to:

1. Establish a due process task force and provide people in leadership positions with inservice training concerning the Act, its requirements and intent; its implications for the schools and the community; and projected outcomes of its implementation.
2. Conduct a series of inservice workshops for the superintendent and staff members. They should understand possible interpretations of specific regulations, and become familiar with alternative processes that are available.
3. Develop a series of hands-on workshops for central office administrators, building principals, classroom supervisors and teachers to familiarize them with several different approaches to individualizing instruction.
4. Initiate visits to schools that are providing leadership in implementing P.L. 94-142.
5. Involve concerned parents.
6. Select carefully those special education students who are to be mainstreamed and those who would not profit from it.
7. Encourage all teachers to begin individualized instruction. They can develop skills that will make teaching and (coping) much easier.
8. Identify those teachers (both regular and special education) who have taught each youngster during the school year, and invite them to participate in the IEP annual reevaluation. Decisions should be made on the basis of observation and of experience with each student rather than merely on the results of diagnosis.

9. Simplify the important information in basic texts used by regular students. A shorter, simpler version of the text, divided into short sequences and supplemented by illustrations, tapes and games, would be extremely helpful to the classroom teacher with whom handicapped children are mainstreamed.

*Cole, Robert W., Dunn, Rita. (1977). A new lease on life for education of the handicapped: Ohio copes with 94-142. Phi Delta Kappan, 59, September, p. 1.

Appendix D

A System for Developing and Managing Instruction
for Special Needs Learner

